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July 22

Mr. William A. Jackson, Chairman,  
State Liquor Commission  
169 North Main Street  
Concord, New Hampshire

Dear Mr. Jackson:

You have inquired whether or not you should be insistent that you select from the list of eligibles submitted by the Division of Personnel a person on the primary basis that he is a veteran. I interpret your question to mean, whether, as a matter of law, a veteran must be selected from the list of eligibles submitted by the Division of Personnel.

In answer to my interpretation of your question, it is my opinion that the law does not require that a person must be selected from the list of eligibles on the primary basis that he is a veteran. The policy expressed in s. 51, c. 170, R.L., as amended by s. 6, c. 190, Laws of 1943, is that veterans shall be given preference in appointment "if qualified therefor . . .". C. 9, Laws of 1950, establishing a unified personnel system for the State empowers the Personnel Commission and its Director to develop rules and regulations establishing the qualifications for State employment. Pursuant to c. 9, Laws of 1950, the Personnel Commission, with the approval of Governor and Council, adopted, inter alia, s. 13, Rule I, granting veterans point preferences in order to qualify for consideration for entry into the State service. The veterans preference policy expressed in s. 13, Rule I, Personnel Regulations, is identical with the veterans preference in the federal classified civil service and substantially equivalent to the veterans preference policy applied throughout the several states. In granting a preference to determine qualifications, the Personnel Commission has followed the legislative policy of s. 51, c. 170, R.L., and has not the requirements of c. 9, Laws of 1950.

Obversely viewed, the Liquor Commission may employ a qualified non-veteran who is on the list of eligibles submitted by the Personnel Commission without violating the statutes of this State.

Very truly yours,

CC: Personnel  
Commission

John H. Masarikas  
Deputy Attorney General